

Order

Michigan Supreme Court
Lansing, Michigan

November 2, 2011

Robert P. Young, Jr.,
Chief Justice

143117

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 143117
COA: 302633
Saginaw CC: 08-030880-FC

DAVID ORIN SAYLOR,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 30, 2011 order of the Court of Appeals is considered. We DIRECT the Saginaw County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. The prosecutor is invited to address whether the Court of Appeals correctly decided *People v Fonville*, ___ Mich App ___ (Docket No. 294554, decided January 25, 2011).

The application for leave to appeal remains pending.

MARILYN KELLY, J., would remand this case for a hearing pursuant to *People v Ginther*, 390 Mich 436 (1973).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 2, 2011

Corbin R. Davis

Clerk